

Remarks/Arguments

It is noted that this paper is labeled as the "Second Amendment" given the prior filing of a Preliminary Amendment.

Claims 13-25 are now pending in the instant application. Applicant has canceled former claims 1-12.

Drawings

As noted above, Applicant has amended the drawings. Such amendment includes the revision of reference numeral "16" to that of "22", as well as the addition of reference numeral "23" in each of drawing sheets 2/4 and 3/4, as well as deletion of the labelings "Schnitt A₁-A₁" appended to Fig. 4, "Schnitt A₂-A₂" appended to Fig. 5, "Schnitt A₃-A₃" appended to Fig. 7 and "Schnitt A₄-A₄" appended to Fig. 6, all in sheet 4/4. Replacement sheets have been attached.

Specification

As may be seen from the above, Applicant has taken this opportunity to revise selected portions of the specification. It is noted that such revision has been made for the purpose of providing desired clarification(s) commensurate with the entirety of the disclosure.

Information Disclosure Statement

The Office Action notes, in its first paragraph, an improper listing of references in the specification for purposes of the Information Disclosure Statement; that unless the references have been cited by the examiner on form PTO-892, they have not been considered.

It is believed that the above notation as to the improper listing of references is directed to a mention of published German patent application 36 44 706 as noted in the specification.

Applicant has provided a copy of the aforementioned document, along with its listing on PTO Form 1449. As such, it is believed that the objection noted in the specification is no longer appropriate; therefore, it is kindly requested that it be withdrawn.

Priority

In its second paragraph, the Office Action notes that a certified copy of the relevant priority document has not been filed as required by 35 U.S.C. 119(b). Applicants take this opportunity to advise that such certified copy is believed to be forthcoming.

Claim Rejections under 35 U.S.C. § 112

In paragraphs 3-4, the Office Action states that claims 1-12 are rejected, under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As previously noted, claims 1-12 have been canceled; new claims 13-25 have been added. Accordingly, it is believed that such rejection is no longer appropriate.

Claim Rejections under 35 U.S.C. § 103

In paragraph 6, the Office Action has stated 35 U.S.C. 103(a) as the basis for all obviousness rejections therein. Subsequently, in paragraph 6, claims 1, 2, and 6-12 are rejected as being unpatentable over U.S. Patent 3,952,807 (the “807” patent) in view of U.S. Patent 6,401,828 (the “828” patent); in paragraph 7, claim 3-5 are rejected as being unpatentable over the ‘807 patent as modified by the 828 patent, and further in view of U.S. Patent 6,244,352.

As noted above, claims 1-12 have been canceled and claims 13-25 have been added. Nevertheless, insofar as claims 13-25 may be seen to be susceptible to rejection under the bases for obviousness as noted above, Applicants take this opportunity to direct attention to the following discussion.

As now recited by independent claim 13, and necessarily by remaining depending claims 14-25 since each of the limitations of claim 13 are included therein, Applicant has provided “[a] lining which is usable with a horseshoe . . .”. This lining comprises a “. . . tubular hump . . .” that is “. . . formed of separated portions so as to provide an interruption along its extent substantially adjacent connection of . . . legs” forming a hoof pad with which the lining may be used. This particular construction is provided commensurate with the relevant purpose(s) and advantage(s) as they have been described in the remainder of the specification.

Application No. 10/730,700
Amendment Dated 10/5/2004
Reply to Office Action of 05/05/2004

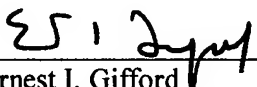
None of the references mentioned above speak to the aspect of Applicant's construction as outlined above, neither by way of explicit reference nor by suggestion for individual modification, or, combination thereof. In particular, the '807 does, at column 2, lines 60-68 and thereafter, address a particular cross-sectional configuration of a portion of its construction which "... contacts the inner edge ... of the horse-shoe ...". Nowhere, however, does this or any other reference speak to the advantages of Applicant's construction, much less the structural combination as now provided in claims 13-25.

Therefore, for the reasons stated above, it is believed that the references applied in the Office Action do not provide a proper basis for obviousness.

Again, insofar as the rejection of claims 1-12 may be seen as being applicable to new claims 13-25, it is believed that such an application would be misguided for the reasons provided. Accordingly, it is believed that the instant application is, as currently presented, in condition for allowance, and such allowance is kindly requested.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account No. 07-1180. Two duplicates of this page are enclosed.

Respectfully,

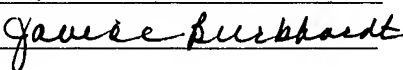

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Comment on Amendment(s) to the Drawings

The attached sheet of drawings includes changes to sheets 2/4, 3/4 and 4/4. As to sheets 2/4 and 3/4, reference number "16" has been revised to read "22" and reference numeral "23" has been added. As to sheet 4/4, the labelings "Schnitt A₁-A₁" appended to Fig. 4, "Schnitt A₂-A₂" appended to Fig. 5, "Schnitt A₃-A₃" appended to Fig. 7 and "Schnitt A₄-A₄" appended to Fig. 6 have been deleted.

Attachment(s): Replacement Sheets 2/4, 3/4 and 4/4